

**Charles C. Meeker, Mayor**  
**James P. West, Mayor Pro Tem**  
**Mary-Ann Baldwin**  
**Thomas G. Crowder**  
**Bonner Gaylord**  
**Nancy McFarlane**  
**John Odom**  
**Russ Stephenson**

**1:00 P.M. AND 7:00 P.M., TUESDAY**  
**AUGUST 3, 2010**  
**THE COUNCIL CHAMBER**

**PLEASE TURN OFF ANY WIRELESS EQUIPMENT WHILE IN THE COUNCIL CHAMBER**  
This equipment interferes with the meeting's sound transmission. Thank you.

**NOTICE TO HEARING IMPAIRED:**

Audio enhancements have been installed in the Council Chamber. Assistive listening devices are available upon request. Interpreters for Deaf and Hearing Impaired are available. If needed, please provide a 24-hour notice by calling 996-3100 (voice) or 996-3107 (TDD).

**A. MEETING CALLED TO ORDER BY THE MAYOR**

1. Invocation - Reverend Doctor Etta Brown - True Gospel Pentecostal Church of Christ
2. Pledge of Allegiance

**B. RECOGNITION OF SPECIAL AWARDS****C. CONSENT AGENDA**

All items on the consent agenda are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the consent agenda will be a roll call vote.

**1. [2346 Wade Avenue - Benjamin Joseph Davis, Sr.](#)  
[2350-2352 Wade Avenue - Ellezom Corporation](#)  
[Vacant and Closed Over One Year](#)**

On July 20, 2010, Council requested a report of the permit status of the above captioned properties. A report is in the agenda packet.

**Recommendation:**

Adopt an ordinance authorizing the demolition of the unfit buildings as listed above and pursuant to the provisions of Section 10-6127(d) of the City Code if the repairs necessary to render the dwellings fit for human habitation are not completed within ninety (90) days.

**2. [Comments to Proposed NC Pretreatment Rule Changes 15A NCAC 02H .0900](#)**

The North Carolina Department of Environment and Natural Resources, Division of Water Quality, recently published a set of proposed rule changes for the implementation of wastewater pretreatment programs in North Carolina. The City has a very proactive and progressive wastewater pretreatment program designed to prevent harmful industrial wastewater discharges to the City's sanitary sewer collection system. City staff members within the Public Utilities Department have reviewed the draft rules and find that the City's program would be essentially unchanged by their implementation. City staff members are concerned that a number of the suggested rules exceed federally mandated standards and object to the removal of local decision-making authority when determining standards for program implementation that fall above Federal minimum standards. A comment letter expressing those concerns was submitted to the Division by the close of comment period on August 2, 2010.

**Recommendation:**

Receive and accept this staff report on comments to proposed NC pretreatment rule changes in 15A NCAC 02H .0900.

**3. [Final Comments - Falls Lake Nutrient Management Strategy and Draft Rules](#)**

The North Carolina Environmental Management Commission has called for formal comment on the draft Falls Lake Nutrient Management Strategy rules. The formal comment period began on June 15, 2010, and will end on August 16, 2010. In deference to the needs of the Environmental Management Commission, whom have requested early submission of any information if possible, members of the City Attorney's Office, the

Public Utilities Department and the Stormwater Division of the Public Works Department have prepared earlier comments on the draft rules. The comments submitted for Council consideration are more detailed and are intended to comprehensively consider both the draft rules and the fiscal note that accompanies the rules. As before, City staff members have drafted these comments in keeping with the terms of the Consensus Principles and previous instructions from City Council. Included in the agenda packet are the draft comments.

**Recommendation:**

Concur in the formal comment on the draft Falls Lake Nutrient Management Strategy as suggested in the draft comments prepared by City staff and authorize the City Manager and City Attorney to endorse and submit any additional comments generated by the Consensus Partners and found to be consistent with the Consensus Principles and City Council directives.

**4. Finance Resolution Authorizing the Donation of Items of Surplus Property**

The Purchasing Manager has a Resolution authorizing the donation of items of surplus property that is no longer of use to the City and can be utilized by another agency. G.S. 160A-280 gives authority to local governments to donate to another governmental unit within the United States, a sister city or a nonprofit organization. A public notice has been made at least five days prior to the adoption of a resolution approving the donation. The donation includes a 1998 New Holland 575E Backhoe, a 2001 Huetler 223 mower, and a 2001 Hustler Excel 2 mower to Occoneechee Council of Boy Scouts of America.

**Recommendation:**

Adopt the resolution authorizing donation of the surplus property.

**5. Habitat for Humanity - Disposition of City-Owned Properties**

At their meeting of May 25, 2010, the Budget and Economic Development Committee recommended that Council adopt a resolution authorizing the sale of six City-owned properties acquired with Federal Neighborhood Stabilization Program (NSP) funding to Habitat for Humanity of Wake County pursuant to NCGS 160A-267 and NC GS160A-279. Council adopted the resolution on June 1, 2010, (Resolution 2010-173). The agenda item noted that the Community Development Department intended to acquire additional to-be-identified properties with NSP funding and that these acquisitions would require the adoption of a second resolution authorizing their sale to Habitat for Humanity.

The additional properties have now been identified in target redevelopment areas: 429 and 604 Parnell Street (Long Acres Subdivision), and 608 Solar Drive (Apollo Heights).

**Recommendation:**

Authorize the adoption of a resolution for the sale of the identified three lots (429 and 604 Parnell Street and 608 Solar Drive) to Habitat for Humanity of Wake County according to the stipulated guidelines.

**6. Lee Property Assessments - Triangle Greenway Council Request for Waiver**

On December 2, 2008, in response to a request from the Triangle Greenways Council (TGC), Council directed staff to “waive present and future assessments” for public improvements against properties owned by Joseph Ira Lee and others, at 4701 Rock Quarry Road and 2459, 2553, 2601 and 2605 Friendly Trail.

This action was contingent upon a bargain sale purchase of these properties by the TGC for conservation purposes on or before December 31, 2009. Closing on this purchase has been delayed. In addition to assessments for water and sewer improvements, assessments

for the Rock Quarry road and sidewalk improvements are now pending. The TGC has rescheduled this acquisition, to be funded by the NC Clean Water Management Trust Fund, subject to a formal conservation easement permanently restricting the properties from all development and have requested an extension of the previously approved purchase deadline. In light of Council's prior action, staff has no objection to the extension request and recommends Council authorize removal of these properties from the confirmed assessment rolls for previous water and sewer extensions and from future roadway and sidewalk assessments for improvements associated with the City's current Rock Quarry Road Widening, Part B and Jones Sausage Road Widening and Realignment projects as follows:

Water Assessment Roll 1083 per Confirming Resolution 1990-598 on February 6, 1990 - Lot 74 (\$6,090.85);

Water Assessment Roll 1339 and Sewer Assessment Roll 1340 per Confirming Resolutions 2010-150 and 2010-151 on May 4, 2010 - Lots 118, 123, 128, 132, 136 (total \$66,857);

Paving and Sidewalk Assessments per Directing Resolutions 2008-604 on July 1, 2008 and 2009-906 on May 19, 2009.

These actions would be based upon a finding of no economic benefit from the improvements. This removal from assessment rolls would be contingent upon TGC's acquisition of these properties, with conservation covenants, before the end of 2010.

**Recommendation:**

Approve an extension of the original time limit for Triangle Greenway Council to acquire the Lee Property and place the appropriate conservation easements to December 31, 2010.

**7. [Umbrella Mitigation Bank Creation](#)**

As part of any future project that impacts wetlands and waters of the State and, in particular, in anticipation of the large impacts expected from the Little River Reservoir project, the City will need to acquire mitigation credit to offset losses of stream and wetland natural resources. The traditional method of acquiring mitigation credit includes its purchase from the State's Ecosystem Enhancement Program or from a private mitigation bank. Occasionally, City projects, such as stormwater stream restoration projects, will generate mitigation credit. Working with the United States Corps of Engineers and other State and Federal agencies, a mitigation banking instrument has been developed and is ready for execution. The first mitigation to be "banked" under this instrument would be a conservation easement on the Proctor Farm previously approved by Council. Although created for the Little River Reservoir project, this mitigation bank can be used by any City department to bank credit for any City project.

**Recommendation:**

Concur in the Mitigation Banking Instrument, authorize the City Manager to execute on behalf of the City, and authorize the City Manager to execute future modifications as new mitigation credits are added or subtracted from the mitigation bank.

**8. [Western Boulevard Widening Project - Assessments Declined by NCSU - Request to Amend Assessment Roll](#)**

On October 18, 2005, the City Council confirmed Paving Assessment Roll 899 which levied paving assessments for the Western Boulevard Widening Project against property owned by North Carolina State University designated therein as assessment lots 11, 12 &

26. Under NC GS 160A-221, if consent to the assessment by the Council of State is refused, the state-owned property shall be exempt. The State declined to accept the assessments and therefore should be exempt.

**Recommendation:**

That Paving Assessment Roll 899 be corrected and amended to reflect lots 11, 12 & 26 owned by NCSU are exempt from assessment per NC GS 160A-221.

**9. Petition Annexations**

<u>Area Name Contiguous</u>	<u>Petitioner</u>	<u>Acres</u>	<u>Proposed Use</u>
Stonehenge Park	Willie Earl Wilson	13.26	Residential
5301 Louisburg Road/Jones Property	Wilbert and Joyce Ann Jones	.46	Residential

**Recommendation:**

- a. That the above Stonehenge Park annexation petition be acknowledged and that Council request the City Clerk to check its sufficiency pursuant to State statutes and if found sufficient advertise for public hearing on Tuesday, September 7, 2010.
- b. Because the property located at 5301 Louisburg Road is connecting to City water only and City sewer is not available at this time, it is recommended that the annexation of this property be deferred.

**10. Parade Routes - 200 Block of Cabarrus Street**

Wade Harris, representing the Masonic Lodges, requests to hold a walk on Saturday, August 21, 2010, from 10:00 a.m. until 10:30 a.m.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**11. Road Races**

**11.1 RBC Center Vicinity**

Butch Robertson, representing the Friesen 5K Run, requests to hold a race on Sunday, September 12, 2010, from 9:00 a.m. until 10:30 p.m.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**11.2 Centennial Campus Vicinity**

Jim Micheels, representing the City of Oaks, requests to hold a race on Sunday, November 7, 2010, from 7:00 a.m. until 2:00 p.m.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12. Temporary Street Closings**

**12.1 00 Block of Hargett Street**

Katrina Jenkins, representing the Raleigh Times Bar, requests a street closure on Friday, August 6, 2010, from 6:00 p.m. until 12:30 a.m. on August 7, 2010, for an exhibit of local artists.

She also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.2 Reaves Drive Vicinity**

John Romanski, representing his neighborhood, requests a street closure on Sunday, August 8, 2010, from 3:00 p.m. until 7:00 p.m. for a neighborhood block party.

He also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.3 900 Block of South Bloodworth Street**

Tammy Sylvester, representing Fulfilled Promise Tabernacle Church, requests a street closure on Saturday, August 14, 2010, from 9:00 a.m. until 3:00 p.m. for youth festival.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.4 00 Block of Edenton Street and 00 Block of Jones Street**

Kari Wouk, representing North Carolina Museum of Natural Sciences, requests a street closure on Friday, September 10, 2010, from 6:00 p.m. until Sunday, September 12, 2010, at 2:00 a.m. for Bugfest.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.5 Bragg Street Vicinity between East and Mangum Streets**

Marianne Kogge, representing several local ministries, requests a street closure on Sunday, August 15, 2010, from 2:00 p.m. until 6:00 p.m. for a neighborhood outreach festival.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.6 4200 Block of Webster Court**

Ruth Sheehan, representing her neighborhood, requests a street closure on Saturday, August 21, 2010, from 7:00 p.m. until 11:00 p.m. for a neighborhood block party.

She also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.7    400 Block of Fayetteville Street**

Terri Dollar, representing Artsposure and the African American Cultural Festival, requests a street closure on Friday, September 3, 2010, from 3:00 p.m. until Sunday, September 5, 2010, at 11:59 p.m. for the African American Cultural Festival.

She also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.8    100 and 200 Blocks of North West Street**

Paddy Diamond, representing Napper Tandy's, requests a street closure on Saturday, September 18, 2010, from 10:00 a.m. until Sunday, September 19, 2010, at 2:00 a.m. for an outdoor entertainment event.

He also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.9    100 Block of East Cabarrus Street**

Pat Dickenson, representing the Lincoln Theatre, requests a street closure on Sunday, September 19, 2010, from 7:00 a.m. until 2:00 a.m. for an outdoor musical event.

He also requests a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**12.10    100 Block of Fayetteville Street**

Deanna Wilson, representing Cystic Fibrosis Foundation, requests a street closure on Saturday, October 30, 2010, from 6:00 a.m. until 4:30 p.m. for fundraising events.

**Recommendation:**

Approve subject to conditions on the report in the agenda packet.

**13.    Requests for Public Hearings****13.1    Rezoning Public Hearing**

The Planning Department has received five requests for rezoning to be held at the Tuesday, October 19, 2010, public hearing. There may be several text changes.

**Recommendation:**

That one hearing be scheduled at 6:30 p.m., on the evening of Tuesday, October 19, 2010.

**13.2 Water Supply Watershed Regulations - Code Clean-up**

This is a request for authorization of a public hearing to consider a text change to Part 10 of the Raleigh City Code concerning the water supply watershed regulations. The proposed text change would move the existing water supply watershed regulations from Part 10 Chapter 5 to Part 10 Chapter 9 of the Raleigh City Code. There are no regulation changes being proposed with this text change.

**Recommendation:**

Approve the request for a public hearing on Tuesday, October 19, 2010 to consider code clean-up for the water supply watershed regulations.

**13.3 FP-1-10 - Neuse River Greenway Flood Map Revision**

This request for authorization of a public hearing is to consider a flood map revision, FP-1-10. The revision will affect portions of the Neuse River and Basin 15, Stream 22 (which flows into the Neuse River).

**Recommendation:**

Approve the request for a public hearing on Tuesday, October 19, 2010, to consider this request.

**14. Grants****14.1 Parks and Recreation - TIGER II Grant Proposal**

The United States Department of Transportation has issued a request for proposals for the TIGER II grants. It is recommended that the City submit a grant proposal in partnership with Wake County, Cary, Wake Forest, Durham and North Carolina Department of Transportation for the Triangle Area Greenway - a Central North Carolina bike/pedestrian Network. The total project cost is estimated to be \$35 million. The grant request would be for \$26 million. Each of the partners would contribute funds to achieve the match for the portion of the project located in their jurisdiction, with a combined total match of \$9 million. The City has identified \$3.4 million in matching funds available from the Walnut Creek East Extension and Neuse River Completion accounts. This grant would allow for the completion of the Neuse River Trail to the County line and connect the American Tobacco Trail to the Neuse River Trail. It would support the development of the Mountains to Sea Trail and the East Coast Greenway.

**Recommendation:**

Authorize staff to submit a TIGER II grant application with the Mayor to execute the necessary documents. Further, if the application is successful authorize staff to negotiate Interlocal Agreements with each of the partners.



**14.2 Solid Waste Services - Wilders Grove Solid Waste Service Center - United States Department of Energy Geothermal Energy Grant - Accept Grant and Establish Budget**

On January 29, 2010, the City of Raleigh was awarded the Geothermal Technologies Program Grant from the Department of Energy as part of the American Recovery and Reinvestment Act (ARRA). The purpose of this award is to provide funding for the installation of a geothermal heating and cooling system at the Wilders Grove SWS Center. The grant covers about half of the estimated \$2.6 million cost of the system. Installation of the geothermal heating and cooling system at the Wilders Grove SWS Center will follow the City Council's adopted policy of using renewable energy in municipal buildings to enhance efficiency.

**Recommendation:**

Accept the grant award and approve the budget amendment and associated budget transfers.

The following accounts should be increased by:

**Revenue Account:**

508-2210-513550-996-GRT00-99151111	\$1,293,625
Geothermal Technologies Program Grant	

**Expense Account:**

508-2210-792020-975-GRT00-99151111	\$1,293,625
Ground Source Heat Pumps	

It is recommended that the following transfer be authorized:

**Transferred From:**

508-707900-2210-975-CIP00-99150000	\$ 460,176
Professional Services/Design	
508-793150-2210-975-CIP00-99150000	12,650
Peer Reviews/Commissioning	
508-792020-2210-975-CIP00-99150000	284,427
Construction	
508-790010-2210-975-CIP00-99150000	<u>536,372</u>
Reserve	
	\$1,293,625

**Transferred To:**

508-707900-2210-975-GRT00-99151111	\$ 460,176
Professional Services/Design	
508-793150-2210-975-GRT00-99151111	12,650
Peer Reviews/Commissioning	
508-792020-2210-975-GRT00-99151111	284,427
Construction	
508-790010-2210-975-GRT00-99151111	<u>536,372</u>
Reserve	
	\$1,293,625

**15. Easement Resolution - Quail Hollow Swim Club Sanitary Sewer Replacement**

This project requires the replacement of an existing sewer main that crosses land owned by Quail Hollow Swim Club of Raleigh Inc. (QHS) and relocation of the sewer line on

property owned by QHS. QHS is willing to convey new sanitary sewer easement and temporary easements to the City for installation of the new sewer main in exchange for the existing easement located on their property that will no longer be needed following the installation of the new sewer line. This exchange will involve approximately 12,365.07 square feet of new permanent sewer easement and 7,520.26 square feet of temporary easement. Approximately 11,067.50 square feet of existing easement would be deeded back to the owner after the new line is installed and functional. The tax value of permanent easement area being acquired is \$21,762 plus non-monetary consideration; the tax value of the easement area being abandoned is \$19,479.

**Recommendation:**

Approve the proposed exchange of sanitary sewer easement with QHS and a public hearing on this exchange as required by statute.

**16. Consultant Services - Dempsey E. Benton Water Treatment Plant Biological Opinion Sampling and Monitoring Program Project**

Two proposals were received for performing the sampling and monitoring program as specified in the Biological Opinion associated with the construction and operation of the Dempsey E. Benton Water Treatment Plant, which is required annually and reported to environmental regulatory agencies.

The two top firms are listed in ranking order:

Hazen and Sawyer  
KCI Associates

**Recommendation:**

Authorize Administration to negotiate a fee and contract with Hazen and Sawyer for the Dempsey E. Benton Water Treatment Plant Biological Opinion Sampling and Monitoring Program Project and to negotiate with the other firm as listed in the event that any of those negotiations are not successful.

**17. Contract Amendments**

**17.1 Contract Amendment #3 - Williard Firm Architects - New Transit Operations Facility**

A contract amendment has been negotiated with Williard Firm to provide continued assistance in overseeing this project. They will also provide services that are outside those required from the Design-Builder, and include: third party geotechnical & specialty inspections, specialty design elements, construction administration and LEED credits and evaluation.

**Recommendation:**

Approve amendment number three with Williard Firm.

**17.2 Dempsey E. Benton Water Treatment Plant Construction Project - Amendment #9**

The City currently has an agreement with ARCADIS, for the Dempsey E. Benton Water Treatment Plant Construction Project. Contract Amendment #9, in the amount of \$380,000, is for additional professional engineering services for the final completion and close-out of the Dempsey E. Benton Water Treatment Plant Construction Project, including final punch-list inspection services, project close-out and final change order documentation, record construction drawings, additional engineering services as related to the LEED certification and stream

and wetland restoration monitoring and reporting for the next three years as required by the North Carolina Division of Water Quality.

**Recommendation:**

Approve Amendment #9 with ARCADIS and the budgetary transfer.

**Transferred From:**

348-5210-790010-975-CIP01-80300001 \$380,000  
DEBWTP Backwash Waste Recycle Facility

**Transferred To:**

348-5210-792010-975-CIP01-88960000 \$380,000  
DE Benton WTP

**18. Encroachment Requests**

**18.1 2865 Club Plaza Road**

A request has been received from Faith Missionary Baptist Church to encroach on City right-of-way for the purpose of bringing the building into compliance with the City's current encroachment standards.

**Recommendation:**

Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant.

**18.2 Dogwood Lane, Leonard Street and Ridge Road**

A request has been received from Dukenet Communications to encroach on City right-of-way for the purpose of installing fiber optic cable. A report is in the agenda packet.

**Recommendation:**

Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant.

**18.3 Intersection of Concord Street and Stanhope Avenue**

A request has been received from CDC Raleigh Stanhope, LLC to encroach on City right-of-way for the purpose of +/- 3,900 square feet of tree pit, landscape, paver and stair encroachment area including +/- 125 square feet of tree grate area, +/- 490 square feet of planter area and +/- 515.5 square feet of stair, landing and footing encroachment area. Also, +/- 1426 square feet of wall footing over pile caps, +/- 372 square feet of awning encroachment, and +/- 1,870 square feet of raised pedestrian crosswalk area. +/- 340 lf. of tree pit drain line. +/- 315 linear feet of temporary sheeting and shoring.

**Recommendation:**

Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant.

**19. Budget Amendments****19.1 Fire**

The following accounts should be increased by:

Revenue Account:

100-0000-532590-000 Insurance Proceeds	\$17,156
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Expense Account:

100-4240-704050-451 Equipment Repair	\$17,156
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Purpose:

To accept insurance proceeds for accident repairs to Fire Engine 6.

**19.2 Fire**

The following accounts should be increased by:

Revenue Account:

810-4210-513170-986-GRT00-70420000	\$120,000
State Grant	

Expense Accounts:

810-4210-600020-986-GRT00-70420000	\$ 60,445
Salaries-OT for FT Staff	
810-4210-620010-986-GRT00-70420000	4,200
Retirement	
810-4210-620050-986-GRT00-70420000	4,340
Social Security	
810-4210-620060-986-GRT00-70420000	1,015
Medicare	
810-4210-701010-986-GRT00-70420000	<u>50,000</u>
Operational & Maintenance Supplies	
	\$120,000

Purpose:

To accept and establish a grant that provides funding to conduct training for the NC Urban Search and Rescue Task Force #8. The North Carolina Department of Crime Control and Public Safety, Division of Emergency Management is reimbursing the City for the entire training cost. There are no matching funds required.

**19.3 Police**

The following accounts should be increased by:

Revenue Account:

130-4010-532940-4061 Police Dept Misc Revenue	\$225
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Expense Account:

130-4010-701010-4061 Operational & Maintenance Supplies	\$225
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Purpose:

To accept funds from Brockport Blizzard BU13 Soccer Team (\$225) to the City of Raleigh Police Department. The funds will be used to expand youth mentoring initiatives.

**19.4 Police**

The following accounts should be increased by:

Revenue Account:

100-0000-532980-000	Appropriation from Special Reserve	\$7,500
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Expense Account:

100-4010-712010-361	Training/Travel/Registration	\$7,500
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Purpose:

Members of the RPD's Technical Assistance Response Unit (TARU) are certified to work in a high voltage environment and must meet the necessary OSHA requirements as well as other applicable state and federal regulations. As such, four TARU members must attend a High Voltage refresher course to meet OSHA requirements and maintain the proper certifications. The National Technical Investigators' Association (NATIA) is holding a training conference in Grapevine, Texas from August 7, through August 13, 2010, and TARU members will be able to complete this required training at the conference. To this end, RPD requests that \$7,500 be allocated from the Controlled Substance Tax fund balance reserve (100-0000-400010-40016) for this purpose.

**20. Condemnation Requests**

Efforts been unsuccessful to obtain needed easements; therefore, it is recommended that a resolution of condemnation be authorized for the following:

**Project Name:** Falls of Neuse Road Realignment and Widening Project (Phase II)

**Name:** William F. Kasior, III and Anita W. Kasior

**Location:** 9341 Tabriz Point

**Name:** Roy S. Rabon, III and Lisa Rabon

**Location:** 1301 October Road

**Recommendation:**

Approve a resolution of condemnation for easements needed from the above properties.

**21. Change Orders****21.1 Change Order #3 - Brasfield and Gorrie - Transit Operations Facility**

This change order with Brasfield & Gorrie is for a net increase of \$833,660. Contract time remains unchanged.

Reason:

Additions to the original scope of work include: modifications to the fuel management system to accommodate Federal clean air regulations required on buses beginning next year, expand geothermal radiant piping and eliminate one boiler, complete phase II concrete paving, add B-20 fuel system, and complete underground piping for future fuel islands and tanks.

History:

Original Contract Amount	\$20,894,200
Previous Change Orders	\$1,280,362
New Contract Amount	\$23,008,222

Funds are available and will be transferred administratively.

Recommendation:

Approve and authorize the City Manager to execute the change order.

**21.2 Sunnybrook Road Widening Project - PW 2007-10 - Change Order # 4 - Rea Contracting, LLC**

This change order is for a net increase of \$335,676.33. The budget transfer is for \$84,469.67 more than the contract change order amount because other accounts in the contract, which are not associated with this project, will be reduced, and \$420,146 will be added to the contract for this specific project.

Reason:

New items and quantities associated with the addition of sanitary sewer along Briarcliff Road, traffic signal modification at the intersection of Sunnybrook Road & Poole Road and the intersection of Sunnybrook Road & Falstaff Road and asphalt price adjustments. Items were also added to the contract to cover unanticipated work associated with the utility conflicts and storm drainage included in the original contract.

History:

Original Contract Amount	\$2,964,026.00
Previous Net Changes (ADD Lenoir/South and Reclaim Water)	\$937,854.10
New contract amount	\$4,237,556.43

Budgetary accounts to be amended:

Transferred From:

531-2210-790010-975-CIP02-87060000	\$420,146
Rogers Lane Extension Capital Project Reserve	

Transferred To:

531-2210-792020-975-CIP02-89270000	\$420,146
Sunnybrook Road Widening General Constr Contracts	

Recommendation:

Approve the change order in the amount of \$335,676.33 and associated budget transfer.

**22. Public Utility Projects**

**22.1 Public Utility Project - P.U. 2010-4**

Location:	Ebenezer Church Road Properties Annexation Area off of Ebenezer Church Road.
Type of Project:	Installation of approximately 500 linear feet of 6-inch water main and 1,300 linear feet of 12-inch water main.
Estimated Cost:	\$176,000

Assessment: Inside City. To be assessed on a front footage and/or per lot basis.

**Recommendation:**

Adopt a resolution-of-intent to schedule a public hearing on Tuesday, September 7, 2010.

**22.2 Public Utility Project - P.U. 2010-5**

Location: Ebenezer Church Road Properties Annexation Area off of Ebenezer Church Road.

Type of Project: Installation of approximately 3,900 linear feet of 8-inch sanitary sewer.

Estimated Cost: \$450,000

Assessment: Inside/Outside City Limits. To be assessed on a front footage, per lot and/or area served (acreage) basis.

**Recommendation:**

Adopt a resolution-of-intent to schedule a public hearing on Tuesday, September 7, 2010.

**23. Traffic**

Ordinances adopted by the City Council authorizing the following traffic changes will become effective seven days after Council action unless otherwise indicated.

**23.1 Commercial Loading Zone - Harrington Street**

It is recommended that a Commercial Loading Zone be established on the east side of Harrington Street beginning at a point 25 feet north of Morgan Street, and extending northward 95 feet.

A request was received from the business owners in the 00 block of Harrington Street to create a commercial loading zone.

**Recommendation:**

Approve and amend the Traffic Schedule.

Add to Traffic Schedule 24:

Harrington Street, east side, beginning at a point 25 feet north of Morgan Street, northward 95 feet.

**23.2 Speed Limit Reduction - Coley Forest Place**

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Coley Forest Place. Coley Forest Place is classified as a residential street and is constructed to typical residential street standards. This request meets the requirements of the adopted Neighborhood Traffic Management Program. A signed petition has been received by staff representing at least 75 % of the residents or property owners along these streets are in support of this speed reduction request.

**Recommendation:**

Approve the reduction as proposed and amend Traffic Schedule 5.A.1 (25 mph) as follows:

Add: Coley Forest Place, Glen Eden Drive to Yarmouth.

**23.3 Speed Limit Reduction - Idlewood Village Drive**

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Idlewood Village Drive. Idlewood Village Drive is classified as a collector street and is constructed to typical collector street standards. This request meets the requirements of the adopted Neighborhood Traffic Management Program. A signed petition has been received by staff representing at least 75% of the residents or property owners along these streets are in support of this speed reduction request.

**Recommendation:**

Approve the reduction as proposed and amend Traffic Schedule 5.A.1 (25 mph) as follows:

Add: Idlewood Village Drive, in its entirety.

**23.4 Speed Limit Reduction - Paddock Drive**

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Paddock Drive. Paddock Drive is classified as a residential street and is constructed to typical residential street standards. This request meets the requirements of the adopted Neighborhood Traffic Management Program. A signed petition has been received by staff representing at least 75% of the residents or property owners along these streets are in support of this speed reduction request.

**Recommendation:**

Approve the reduction as proposed and amend Traffic Schedule 5.A.1 (25 mph) as follows:

Add: Paddock Drive, in its entirety.

**23.5 St. Mary's Street - Modification of No Parking Zone**

It is recommended that the existing No Parking Zone between Fairview Road and Glenwood Avenue be modified to improve accommodation for cyclists. This change would shift existing on-street parking from a portion of the west side of the street to the east side of the street north of Fairview Road.

This request was initiated by staff in conjunction with a pending resurfacing project on the street. A public meeting was held on June 23, 2010, to discuss potential changes to parking and pavement marking patterns as part of an effort to improve conditions for cycling along the St. Mary's Street corridor. Residents along this portion of St. Mary's Street have also been contacted by mail to notify them of the proposed changes and to solicit public comment.

**Recommendation:**

Approve as recommended.

Amend the following Traffic Schedules:

Delete from Traffic Schedule 13:

St. Mary's Street, east side, between Fairview Road and Glenwood Avenue.\*

Add to Traffic Schedule 13:



St. Mary's Street, west side, from Fairview Road, northward 610 feet.  
St. Mary's Street, east side, from Fairview Road, northward 75 feet.  
St. Mary's Street, east side, from Wake Drive, southward 750 feet.  
St. Mary's Street, both sides, from Wake Drive to Glenwood Avenue.

**THIS IS THE END OF THE CONSENT AGENDA**

**D. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION**

1. The Planning Commission recommendations on the following items were unanimous. The Council may wish to consider these items in the same manner as items on the consent agenda. Items marked with one asterisk (\*) beside the Certified Recommendation number are located within flood-prone areas. Items marked with the pound sign (#) beside the Certified Recommendation number are located within the Falls Basin or the Swift Creek Watershed Protection Area. Items marked with the plus sign (+) beside the Certified Recommendation number indicate special conditions for stormwater management. Items marked with (VSPP) beside the Comment indicate that a Valid Statutory Protest Petition has been filed. \*\*Denotes Drainage Basins

	CR Number	Subject	Vote	Recommendations	Comments
1.	CR-11380	TC-3-10	11-0	Approval, as revised	Pedestrian Access
2.	CR-11381	TC-7-10	11-0	Approval	Cameron Park Neighborhood Conservation Overlay District (NCOD)
3.	CR-11382	Z-12-10	11-0	Approval	Cameron Village Neighborhood, north of Smallwood Drive, south of Wade Avenue, west of Nichols Drive, east of Daniels Street
4.	CR-11383	Z-17-10	11-0	Denial	Lexington Drive, south side, northwest corner of Western Boulevard and Gorman Street
5.	CR-11384	Z-18-10	11-0	Approval	Century Drive, south side, south of Lead Mine Road intersection **(Crabtree Creek)

**(THE FOLLOWING ACTIONS WERE TAKEN BY THE PLANNING COMMISSION AT THEIR JULY 27, 2010 MEETING, BY UNANIMOUS VOTE)**

**1. TC-3-10 - Pedestrian Access**

This text change proposes revisions to the zoning code to require a pedestrian connection between the right-of-way and each main building entrance. This text change would implement several Comprehensive Plan policies, and align zoning code requirements with recently adopted State building code requirements.

CR-11380 from the Planning Commission recommends that this text change be approved, as revised.

**2. TC-7-10 - Cameron Park Neighborhood Conservation Overlay District (NCOD)**

This is a request to amend the built environmental characteristics and regulations section 10-2054 (g)(3) for properties located within the Cameron Park Neighborhood Conservation Overlay District.

CR-11381 from the Planning Commission recommends approval of the proposed text change request.

3. **Z-12-10 - Cameron Village Neighborhood, north of Smallwood Drive, south of Wade Avenue, west of Nichols Drive, east of Daniels Street**

This is a request to rezone property from Residential-6 and Residential-10 to Special Residential-6 and Residential-30.

CR-11382 from the Planning Commission finds that the request is consistent with the Comprehensive Plan and recommends that this case be approved, with the removal of parcel pin # 1704131577.

4. **Z-17-10 - Lexington Drive, south side, northwest corner of Western Boulevard and Gorman Street**

This is a request to rezone property from Residential-15, Neighborhood Business Conditional Use District and Shopping Center to Shopping Center Conditional Use District.

CR-11383 from the Planning Commission recommends denial.

5. **Z-18-10 - Century Drive, south side, south of Lead Mine Road intersection \*\*(Crabtree Creek)**

This is a request to rezone property from Residential-4 and Office & Institution-2 with Special Highway Overlay District-2, to Office & Institution-2 General Use with Special Highway Overlay District-2.

CR-11384 from the Planning Commission finds that this case is consistent with the Comprehensive Plan, and recommends that the case be approved.

**E. SPECIAL ITEMS**

1. **Bus Amenities on Rights-of-way/Private Funding**

Mr. Gaylord indicated during the July 6, 2010, Council meeting there was an item that came out of Committee relative to bus amenities on rights-of-way. He stated there seemed to be some confusion as to what was being recommended and the ensuing vote; therefore, he would ask that this be placed on the August 3, agenda as a special item to further consider the item and receive information from the City Attorney.

**F. REPORT AND RECOMMENDATION OF THE CITY MANAGER**

**G. REPORT AND RECOMMENDATION OF THE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION**

In advance of National Walk to School Week in October, the Bicycle & Pedestrian Advisory Commission (BPAC) recommends that the City join the Safe Routes to School National Partnership. This partnership currently includes more than 400 nonprofit organizations, government agencies, schools, and professionals working together to advance the Safe Routes to School movement in the United States.

**Recommendation:**

Apply for membership in the Safe Routes to School National Partnership and adopt the associated Memorandum of Understanding, a copy of which is in the agenda packet.

**H. REPORT AND RECOMMENDATION OF THE PASSENGER RAIL TASK FORCE**

The City Council appointed the Passenger Rail Task Force and requested that they study the downtown alternatives associated with NCDOT's Southeast High Speed Rail project, which will provide high-speed rail service from Raleigh to Richmond, Virginia. Task Force Co-Chairs William A. Allen, III, and Maha Chambliss will present the task force's recommendations on this

portion of the corridor. In addition, City staff will present additional recommendations regarding the draft Environmental Impact Statement and the project's impacts in Raleigh.

**Recommendation:**

Endorse the findings of the Passenger Rail Task Force and City staff and authorize formal comments to be submitted to NCDOT.

**I. REPORT AND RECOMMENDATION OF THE RALEIGH CHAMBER OF COMMERCE**

**1. Quarterly Reports April - June 2010**

This item is the submittal of quarterly reports outlining the City's marketing and economic development program efforts April - June 2010.

**Recommendation:**

That the reports be received

**J. REPORT AND RECOMMENDATION OF THE BUDGET AND ECONOMIC DEVELOPMENT COMMITTEE**

1. No report.

**2. Items Pending**

Item #07-60 - Tarboro Road Area - Public Safety Concerns (11/3/09)

Item #09-06 - Transit - R-Line/Crabtree Valley Connector (4/20/10)

Item #09-08 - Arts/plosure Funding (6/15/10)

Item #09-09 - Municipal Marketing - Public/Private Sponsorships (6/21/10)

Item #09-10 - Capital Area Transit - Additional Service/Funding (6/28/10)

Item #09-11 - Salvation Army - Funding Request (6/28/10)

Item #09-12 - Interact - Funding Request (07/20/10)

Trains - Quiet Zones Downtown

**K. REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE**

1. No report.

**2. Items Pending**

Item #07-60 - Hillsborough Street Streetscape and Parking Plan - Update (8/4/09)

Item #09-05 - TC-7-09 - Front Yard Parking for Single Family Detached Dwellings  
(2/6/10)

Item #09-09 - Clothing Drop-Off Bins - Locations (6/15/10)

Item #09-11 - West Morgan Street Area Study (7/20/10)

Item #09-12 - Environmental Advisory Board - FY10 Annual Report and Work Plan  
(7/20/10)

**L. REPORT AND RECOMMENDATION OF THE LAW AND PUBLIC SAFETY COMMITTEE**

**1. Street Vending - Request for Text Change**

The Committee recommends that the City Attorney be directed to prepare an ordinance that would allow two or three eco-friendly zones in areas that are subject to the private use of public streets regulations (Downtown Overlay District and Pedestrian Overlay Districts). A copy of the proposed ordinance will be included in the agenda packet.

**2. Traffic Restrictions - Sanderson/Wake Drive**

The Committee recommends use of both Oberlin Road and the back gate on Sanderson Drive as access points for Daniels Middle School carpool and authorizing the appropriate ordinances for no stopping or no standing on one side of Sanderson Drive and Wake Drive. It is understood the Wake County Public School System has agreed to these concerns and would work to notify the parents and work to direct traffic during the morning and afternoon hours.

The Committee recommends that at the end of 30 days from the start of school at this location, staff provide City Council with a report on the results or impacts of this solution.

**3. Items Pending**

Item#09-04 - Pawnshops-Location (2/2/10)

Item#09-08 - Bids/Purchases - Local Preference Policy (5/4/10)

Item#09-10 - Passion Nightclub - Concerns/Noise Ordinance (6/15/10)

Item#09-12 - Group Housing/Supportive Housing - Separation Requirements (7/6/10);  
Enforcement (7/20/10)

**M. REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE****1. Hillsborough Street - Bicycle Accommodations.**

The Committee recommends upholding staff's recommendations for the temporary installation of 11-foot travel lanes, 5-foot bicycle lanes, and 7-foot parking lanes bicycle lanes along Hillsborough Street. Staff will also explore installing temporary bicycle lane designations either through signs or painted icons.

**2. Traffic Concerns - Faircloth Street and Oberlin Road**

The committee recommends moving forward with the installation of bicycle lanes along Faircloth Street to coincide with the Hillsborough Street project.

The Committee further recommends staff explore the following issues with the residents of the University Park Neighborhood and report their recommendations back to Council:

- Pedestrian signal at the intersection of Wade Avenue and Dixie Trail - staff to study as part of the larger Pedestrian Signal project;
- Pedestrian crossings and curb extensions along Brooks Avenue - neighbors to identify intersections for staff; staff to study for striping and/or bulb-outs, especially in conjunction with Safe Routes to School Program;
- Sight distances at intersections - neighbors to identify problem locations and bring to staff for evaluation for possible additional restrictions;
- Reduction of signed speed limits - neighbors to bring request(s) to staff through petition process for reductions.

**3. Items Pending**

Item #07-68 - Stormwater and Public Utilities Systems - Possible Merger (10/20/09)

Item #09-02 - Sewer AR 1312 - Planna Terra Annexation Area (12/1/09)

Item #09-11 - Crosswalks - Durant Road; Perry Creek Road, Falls of Neuse Road  
(4/6/10)

Item #09-16 - Paving AR 926 and Sidewalk AR 400 - Wilmington Street (5/4/10)

Item #09-17 - Sewer AR 1342 and Sewer AR 1342A - West Winds Pump Station  
Elimination (5/4/10)

Item #09-19 - Stormwater Problems - George's Mews (6/15/10)

Item #09-20 - PU 2010-1 - Bentley Woods Phase II Annexation Area Sewer (7/6/10)

**N. REPORT OF MAYOR AND COUNCIL MEMBERS**

**O. APPOINTMENTS**

The following committees have appeared on past agendas and some nominations have been made. The Council may take action to make appointments or if the nominations have not been closed, which would be indicated on the agenda, additional nominations may be made on the ballot in the agenda packet. An asterisk beside a name means that person is presently serving on that board or commission.

**Civil Service Commission - One Vacancy - Business Representative**

No nominees.

**Fair Housing Hearing Board - One Vacancy**

No nominees.

**Substance Abuse Advisory Commission - One Vacancy**

No nominees.

**Water Utility Transition Advisory Committee - Nine Members**

Billy Warden (Meeker)  
Traci Sides (McFarlane)  
Lyle Gardner (Baldwin)  
Bill Holman (McFarlane/Stephenson)

Staff was asked to provide recommendations from the Town of Garner for a representative and a representative of the other towns on the City's water system.

**P. NOMINATIONS**

**Keep Wake Beautiful - One Vacancy**

The term of W. Benson Kirkman is expiring. He is eligible for reappointment.

**Q. REPORT AND RECOMMENDATION OF THE CITY ATTORNEY**

**R. REPORT AND RECOMMENDATION OF THE CITY CLERK**

1. [Minutes](#) of the July 20, 2010, Council meeting, joint hearing with the Historic Districts Commission, and joint hearing with the Planning Commission will be presented.
2. [A proposed resolution relating to tax refunds](#), rebates, etc. relative to ad valorem taxes is in the agenda packet. Adoption is recommended.

**S. CLOSED SESSION**

**1. REPORT AND RECOMMENDATION OF THE APPEARANCE COMMISSION**

**1.1 Sir Walter Raleigh Awards for Community Appearance - Closed Session**

Pursuant to G.S. 143-318.11(a)(2), council will move into closed session for the purpose of confirming the recipients of the 2010 Sir Walter Raleigh Awards for Community Appearance. The tentative list of award winners was chosen by independent jury on Friday July 23, 2010. The award recipients will be recognized in ceremonies to be held Thursday, October 7, 2010.

**Recommendation:**

That these recommendations be reviewed in closed session.

**EVENING AGENDA - 7:00 P.M.****A. REQUESTS AND PETITIONS OF CITIZENS**

1. Lonnie G. Smith, III, Cornerstone Signature Homes, Inc., would like to request Council consideration of additional road reimbursement expenses that fall outside and are above and beyond what is covered by City policy relating to S-44-06 - Ebenezer Church Townhouses/Bridgeton Point.
2. N. Ray Watson, Watson Land Design Services, representing the Kahn family and Gandhi at Greenway Place, would like to request a speed limit change from 35 mph to 25 mph on Ramble Way between US 401 and Perry Creek Road.
3. Maurice Johnson, member of the Southwest CAC, would like to discuss zoning concerns in that area.

**B. MATTERS SCHEDULED FOR PUBLIC HEARING**

1. A hearing to consider increasing the not to exceed amount on the City's Limited Obligation Bonds, Series 2010 from \$30,000,000 to \$50,000,000 and amending the description of the project to be financed with such bonds to include rehabilitation of existing structures and new construction at the Northeast site and other initial planning and design costs related to the development of the Downtown Remote Operations Facility. At its July 20, 2010, meeting, City Council held a public hearing to consider the proposal of issuing not exceeding \$30,000,000 Series 2010 Limited Obligations for the purpose of funding the construction of the Solid Waste Services Operation Facility at Wilder's Grove and purchase of the Northeast Remote Operations Site and its existing structures. At such meeting, Council approved the \$30,000,000 and the original scope of the project and moved to hold a second public hearing today for the purpose of considering (i) expanding the definition of the project to include rehabilitation of existing structures and new construction at the Northeast site and other initial planning and design costs related to the development of the Downtown Remote Operations Facility and (ii) increasing the not-to-exceed principal amount for the bonds from \$30,000,000 to not-to-exceed \$50,000,000. After the public hearing, if the Council wishes to proceed, it is necessary to pass a resolution amending the Council's July 20, 2010, approval and authorization to expand the definition of the project as described above and increase the not-to-exceed principal amount from \$30,000,000 and \$50,000,000.

Approval is recommended, but should Council determine not to take action or should the proposed resolution fail, the original approvals and authorizations given by Council at its July 20, 2010, meeting will remain in effect.

2. A hearing to consider permanently closing of the unnamed alleys off the 100 block of East Davie Street. The hearing is pursuant to petition, resolution of intent, advertisement and notification as required by law. (STC-3-2010)
3. A hearing to consider permanently closing all of the unnamed alleys behind 2214 Creston Road and 2011 Glenwood Avenue and beside 1915 Glenwood Avenue and 2001 Glenwood Avenue. The hearing is pursuant to petition, resolution of intent, advertisement and notification as required by law. (STC-4-2010)
4. A hearing to consider permanently closing of the northernmost portion of Ferndell Lane adjacent to parcels with PIN 1704010578 and 1704013527. The hearing is pursuant to petition, resolution of intent, advertisement and notification as required by law. (STC-5-2010)

5. A hearing to consider the exchange of sanitary sewer easements relating to existing sewer mains that crosses land owned by Kip Dell Homes according to information included in Resolution 2010-213.

**C. EVIDENTIARY HEARINGS**

1. A hearing to consider a request from WST Coast, LLC, for a Special Use Permit to allow Outdoor Amplified Entertainment at an existing establishment located at 110 East Davie Street (Bu-Ku) zoned Business and Downtown Overlay District. The request is to allow outdoor amplified entertainment between the hours of 5:00 p.m. and 2:00 a.m. seven days a week.

Since advertisement of this hearing, it has been found that notification was not given to all of those which should have received notification. Therefore, it is recommended that the Council continue the hearing until September 7, in order to allow the additional notifications to be made. (SU-4-2010)

2. A hearing to consider a request from Excell Communications, Inc., to construct a 180-foot high telecommunications tower on property owned by Mentor Masonic Lodge #55 located at 609 Cross Link Road. The property is zoned Residential-10. (SU-3-2010)